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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,349	07/23/2003	Andrew Olcott	02103-551001 / AABOSW19	9132

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EXAMINER	
PHAM, TAMMY T	
ART UNIT	**PAPER NUMBER**
2629	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/626,349	OLCOTT ET AL.	
	Examiner	Art Unit	
	Tammy Pham	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

4a) Of the above claim(s) *1-18 and 47-55* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 1-18, 47-55 have been withdrawn. Independent claim 39 have been amended. Claims 1-55 are pending. Claims 19-46 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19-31, 38, 44 are rejected under 35 U.S.C. 102(b) as being anticipated by LEVIN et al. (US Patent No: 6,154,201).

As for independent claim 19, LEVIN teaches of a system *(Fig. 1, item 10)* for accepting user input comprising: a first control *(Fig. 1, item 18)* configured to select a media source *(Fig. 2, item 46, column 7, lines 32-35)* in response to an actuation of the first control *(Fig. 1, item 18)* by a user; a second control *(Fig. 1, item 18),* wherein the second control *(Fig. 1, item 18)* has two degrees of freedom *(push and rotate as explained in column 8, lines 5-10)* in actuation configured to choose a mode *(Fig. 2, item 46, column 8, lines 5-10)* from a set of modes for the selected media source *(Fig. 2, item 46, column 7, lines 32-35)* in response to an actuation of the first degree of freedom *(push to select icon as describe in column 8, lines 5-10)* of the second control *(Fig. 1, item 18)* by the user, wherein actuation of the second degree of freedom *(rotate to select desired value as described in column 8, lines 5-10)* by the user of the second control

(Fig. 1, item 18) is configured to identify a media content item selection *(Fig. 2, item 46);* and a display *(Fig. 1, item 14, column 5, lines 13-18 and in Fig. 2)* for displaying one of the media source *(Fig. 2, item 46),* mode *(Fig. 2, item 47-49, 51)* and media content item *(Fig. 2, item 44).*

As for claim 20, LEVIN teaches of a pressure member *(not shown)* coupled to a plurality of switches *(not shown),* the pressure member having multiple sections, wherein each section of the multiple sections is associated with a switch of the plurality of switches and wherein the pressure member is positioned in relation to the plurality of switches such that when a force is applied by a user to one of the multiple sections, the pressure member transmits a resulting force to a switch associated with the one of the multiple sections thereby causing actuation of the switch associated with the one of the multiple sections *(Fig. 1, item 14, column 5, lines 13-16, where since the display 14 can have a touch panel this panel can function as a switch).*

As for claim 21, LEVIN teaches that a control *(Fig. 3a, item 18)* comprises a shaft *(Fig. 3a, item 50),* wherein the shaft *(Fig. 3a, item 50)* is mounted within a void of the pressure member *(Fig. 3a, item 18, the pressure member is treated as the knob since the knob of 18 is also responsive to pressure)* and secured by a fastener *(Fig. 3a, item 64).*

As for claim 22, LEVIN inherently teaches that for a predetermined time, before executing one of a user media source selection, mode selection and media content item selection *(Fig. 1, items 20, 22, 24 and Fig. 2) since it is inherent that the apparatus is not able to carry out the functions instantaneously, there must be a time delay.*

As for claim 23, LEVIN teaches that upon the occurrence of one of a user media source selections, mode selection, and media content item selection *(Fig. 1, item 20, 22, 24),* the system provides a sub-menu of options *(Fig. 1, item 20, 22, 24)* to the user in *column 6, lines 27-30.*

As for claims 24, 25, 26, LEVIN teaches that the display *(Fig. 1, item 14 and in Fig. 2):* is configured to provide a visual confirmation *(Fig. 1, item 30 and in Fig. 2, item 46)* of the media source selected {claim 24}; a color cue *(Fig. 1, item 30 and in Fig. 2, item 46)* based on a media source selected {claim 25} and a position indicator *(Fig. 1, item 30 and in Fig. 2, item 46)* depicting to the user, the relative position of a selected media content item within a browsable list of media content items *(Fig. 1, items 20, 22, 24 and in Fig. 2),* wherein the position indicator *(Fig. 1, item 30 and in Fig. 2, item 46)* is displayed in a radial format *(Fig. 1, item 22, 24 and in Fig. 2, item 44).*

As for claim 27, LEVIN teaches that the display *(Fig. 1, item 14)* is a touch screen and wherein the touch screen is configured to process a user input *(Fig. 1, item 14 and in column 5, lines 13-16).*

As for claims 28, 29, 30, 31, LEVIN teaches that-at least one of the first and second controls *(Fig. 1, item 18)* is configured to provide a visual confirmation *(Fig. 1, item 30 and in Fig. 2, item 45)* of a user input *(on the display)* {claim 28}; the visual confirmation is a text {claim 29} graphic {claim 30} color change {claim 31} in *Figs. 1-2 and in column 6, lines 5-15; column 6, lines 31-36.*

As for claim 38, LEVIN teaches of a second control *(Fig. 1, item 18)* is positioned from of the display *(Fig. 1, item 14)* and wherein the second control *(Fig. 1, item 18)* accepts actuation of the second degree of freedom *(push and rotate, column 8, lines 5-10)* by the user, as a user input.

As for claim 44, LEVIN teaches that the first control *(Fig. 1, item 18)* has two degrees of freedom *(push and rotate, column 6, lines 41-48)* in actuation, and wherein actuation of the first degree of freedom *(push)* is associated with selection of a media source, and the second degree *(rotate)* of freedom is associated with control of system volume *(column 6, lines 41-48).*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 36, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over LEVIN et al. (US Patent No: 6,154,201).

As for claims 36, 37, LEVIN fails to teach that the system is configured to provide an ***audible confirmation*** of the media source selected is a synthetic voice.

Examiner takes ***official notice*** that it is well known in the art to include an audible confirmation in a form of a synthetic voice.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine an audible confirmation in a form of a synthetic voice with the apparatus of LEVIN (which already utilizing audio sensors and actuators, see column 13, lines 50-54) in order to provide the user with a safer confirmation of the selected mode. LEVIN mentioned that the apparatus can be utilized in a vehicles in which case, the visual confirmation that LEVIN teaches may not be the safest options for user who are driving.

4. Claims 32-35, 39-43, 45, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over LEVIN et al. (US Patent No: 6,154,201) in view of JAEGER et al. (US Patent No: 5,982,355).

As for independent claim 39, LEVIN teaches of a system *(Fig. 1, item 10)* for accepting user input, comprising: at least one switch *(see column 5, lines 13-18 where it is stated that the display can include a touch sensitive surface, in which case this will constitute as a switch);* a display *(Fig. 1, item 14),* wherein the display *(Fig. 1, item 14)* depicts menu options *(Fig. 1, item 20, 22, 24 and in Fig. 2)* including: media content information *(Fig. 1, item 20 and in Fig. 2);* control options *(Fig. 1, item 22 and in Fig. 2),* wherein the control options *(Fig. 1, item 22 and in Fig. 2)* are displayed on the display *(Fig. 1, item 14)* near the switch a pressure member *(column 5, lines 13-18)* disposed over the display *(Fig. 1, item 14)*, the pressure member *(column 5, lines 13-18)* being configured to accept a force exerted by a user within a section of the pressure member *(column 5, lines 13-18);* the pressure member *(column 5, lines 13-18)* further coupled to the at least one switch *(column 5, lines 13-18)* such that a resulting force transmitted by the pressure member in response to a user applied force causes a switch actuation *(column 5, lines*

13-18); and at least one control *(Fig. 1, item 18),* which has two degrees of freedom *(push and rotate, column 8, lines 5-10; column 6, lines 53-58; column 6, lines 63-65)* in actuation, configured to accept one of a push and turn at least one control *(Fig. 1, item 8)* being able to select one of the menu options *(Fig. 1, items displayed on item 14 or in Fig. 2).*

LEVIN fails to teach that a portion of the ***display is visible through the pressure member***.

JAEGER teaches that a portion of the display *(Fig. 34, item 232)* is visible through the pressure member *(Fig. 34, item 231) in column 20, lines 63-65.*

It would have been obvious to one with ordinary skill in the art at the time the invention was made to have at least a portion of the display be visible through the pressure member as taught by JAEGER with the display of LEVIN in order for users to display the desired image at the area of the display that is directly behind the switch *(see JAEGER: column 20, lines 9-13).*

As for claim independent 45, in addition to the claim limitations as rejected above in claim 39; LEVIN fails to teach that at least a portion of the ***control is optically transparent*** such that at least a portion of the display is visible through the at least one control.

JAEGER teaches that at least a portion of the control *(Fig. 34, item 231)* is optically transparent such that at least a portion of the display is *(Fig. 34, item 232)* visible through the at least one control in *column 20, lines 63-65.*

It would have been obvious to one with ordinary skill in the art at the time the invention was made to have at least a portion of the display be visible through the pressure member as

taught by JAEGER with the display of LEVIN in order for users to display the desired image at the area of the display that is directly behind the switch *(see JAEGER: column 20, lines 9-13).*

As for claim independent 46, in addition to the claim limitations as rejected above in claim 39; LEVIN teaches of two controls *(Fig. 1, item 18),* wherein each of the two controls *(Fig. 1, item 18)* is located to one side of the display *(Fig. 1, item 14)* and wherein the controls *(Fig. 1, item 18)* have two degrees of freedom in actuation *(push and rotate, column 8, lines 5-10).*

As for claim 32, see rejection of claims 39, 45, 46.

As for claims 33, 34, 35, LEVIN teaches that-at least one of the first and second controls *(Fig. 1, item 18)* is configured to provide a visual confirmation *(Fig. 1, item 30 and in Fig. 2, item 45)* of a user input *(on the display)* {claim 28}; the visual confirmation is a text {claim 29} graphic {claim 30} color change {claim 31} in *Figs. 1-2 and in column 6, lines 5-15; column 6, lines 31-36.*

As for claim 40, see the rejection of claims 39, 45, 46.

As for claims 41, 42, 43, see the rejection of claims 33, 34, 35.

Response to Arguments

Applicant's arguments with respect to claims 1-55 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy Pham whose telephone number is (571) 272-7773. The examiner can normally be reached on 8:00-5:30 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TP
March 17, 2007

Tammy Pham
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PRIMARY EXAMINER